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## THE FIRST CASTILIAN INQUISITOR

It is perhaps natural that a certain school of modern writers should seek to exonerate the Holy See from responsibility for the Spanish Inquisition, grounding its arguments on the efforts of successive popes to assert the right to hear appeals from the sentences of the Holy Office and on the hesitancy of Sixtus IV. to grant to Ferdinand and Isabella the decree for which they asked for the foundation of the institution. The former point I expect to discuss in some detail hereafter, as its history is curious and somewhat complicated. The latter is simple and easily disposed of, especially with the aid of a hitherto unedited bull of Sixtus IV. from the Vatican archives, appended hereto.

What Ferdinand and Isabella wanted was not simply the Inquisition, which they could have had for the asking; they insisted on an inquisition in which the officials should not be, as elsewhere, nominated by the Dominican or Franciscan Provincial, but should be selected by the crown and hold their positions at its pleasure. The Castilian monarchs had always manifested extreme jealousy of the encroachments of the Church and had succeeded better than most other mediæval sovereigns in maintaining their independence. Especially was this the case with Ferdinand and Isabella, who more than once vindicated their supreme authority within their dominions with a vivacity savoring of little respect for the traditional claims of the Vicar of Christ. Nothing could have been further from their policy than to admit, within the lately pacified kingdoms of Castile and Leon, officials clothed with the tremendous powers of the Inquisition and at the same time wholly independent of the royal authority. Ferdinand, in fact, had already had an experience of the kind in his ancestral dominions of Aragon which he was not likely to forget or to wish to see repeated in Castile. In Aragon the papal Inquisition had existed since the thirteenth century, and one of the inquisitors was the Dominican Fray Juan Cristóbal de Gualbes, noted for his fervid eloquence both as a preacher and a popular orator. When, in September, 1461, the heir-apparent, Carlos Prince of Viana, whom the affectionate Catalans revered as Santo Carlos,

perished, as was believed, of poison administered at the instigation of his step-mother, Queen Juana Henriquez, to obtain the succession of the crown for her darling son Ferdinand, and she came with indecent haste to rule Catalonia as regent, Fray Gualbes was one of those who stood forward to defend the popular rights. In the troubles which speedily followed Queen Juana's tyrannical acts, Gualbes made himself conspicuous by writing and preaching that King Juan II., her husband, had forfeited the throne by disregarding his coronation-oath given to a free people and especially by his cruel persecution of his son Carlos. The Catalans were wrought to such a fervor of resistance that they successively bestowed the crown on Pedro of Portugal and René of Anjou, and only the opportune deaths, first of Pedro and then of René's son Jean de Lorraine, enabled Ferdinand to succeed his father.<sup>1</sup> Gualbes' office shielded him from Ferdinand's wrath, but the latter never forgot the lesson. When the Inquisition of Castile was founded by the appointment, September 27, 1480, of the Dominicans Fray Juan de San Martín and Miguel de Morillo as inquisitors, he took care to tell them in their commission that if they misbehaved they would forfeit not only their position but all their temporalities and their personal rights as Spanish subjects. Moreover, when, in 1483, he obtained from Sixtus IV. the remodeling of the Aragonese Inquisition on the Castilian pattern, he gratified his ancient grudge by procuring from the pope the dismissal of Gualbes, who was denounced in the papal brief as a son of iniquity, incapable, in consequence of his demerits, of holding the office of inquisitor and even of preaching.<sup>2</sup> It is easy to understand Ferdinand's insistence on having the officials of the new Inquisition dependent on the crown, and the papal yielding to so serious an innovation can only be explained by the desire of the Holy See to effect at last what had repeatedly been previously attempted in vain.

Many efforts had in fact been made since the thirteenth century to introduce the Inquisition in Castile, but they had all failed. Up to the fifteenth century this may probably be attributed to the tolerant temper of the people, their lack of interest in spiritual matters, and their jealousy of foreign interference. After the massacre of the Jews, however, in 1391 and the forced conversion of the survivors by wholesale, there was a marked increase of the persecuting spirit, directed first against the remnants of the *Aljamas*, or Jewish communities, and then against the *conversos*,

<sup>1</sup> Zurita, *Añales de Aragon*, Lib. XVII., cap. xxvi., xlii.; Lib. XVIII., cap. xxxii.

<sup>2</sup> Ripoll, *Bullar. Ord. FF. Prædicat.*, III. 622.

or new Christians, whose orthodoxy was not unreasonably suspected. Many of the latter rose to high positions in Church and State, and wielded no little political power in the disastrous reign of the feeble Juan II., leading to the first serious attempt to introduce the Inquisition in Castile. The all-powerful royal favorite, Álvaro de Luna, constable of Castile, in 1451 found a threatening opposition organized against him by the Santa Marías, the Dávilas, and other influential *conversos*, and it was doubtless as a weapon to be used against them that Juan II. was induced to ask Nicholas V. to appoint inquisitors to punish the numerous professing Christians who secretly practised Jewish rites. Nicholas eagerly grasped at the opportunity and promptly commissioned the Bishop of Osma, his Vicar-general, and the Scholasticus of Salamanca as inquisitors with full power to prosecute and punish without appeal all such offenders, even including bishops, who had always been exempt from inquisitorial jurisdiction.<sup>1</sup> Nothing came of the attempt, however; the times were too troublous, the opposition to de Luna developed, and in 1453 he was suddenly hurried to the scaffold.

Sixtus IV. was even more zealous than Nicholas to introduce the Inquisition in Castile, for, as will be seen by the following bull, he did not wait to be asked. It shows that, while yet the land was convulsed with the civil war between Isabella and her rival the unfortunate Beltraneja, he conferred, August 1, 1475, on his legate Niccolò Franco full powers as inquisitor to prosecute and punish the Judaizing Christians, and further to make a visitation of the religious houses and reform them — a duty which, if we may judge from the description of the Castilian church by the council of Aranda in 1473, was quite as much called for as the visitation of the English monasteries by Archbishop Morton in 1489. No trace of the labors of the legate as inquisitor are to be found in the documents of the period, nor could he be expected to accomplish anything in the existing condition of the country, even if Castilian jealousy had allowed him to exercise his powers. If he attempted it he doubtless met with a prompt rebuke, for the attitude of Ferdinand and Isabella was clearly manifested during Franco's legation when, in July, 1478, they assembled a national synod at Seville, and among the subjects presented for its consideration was how to prevent the residence of papal nuncios and legates, who not only carry much money out of the country, but interfere with the royal pre-eminence, to which the assembled prelates replied that it rested with the sovereigns who could do as

<sup>1</sup> Raynald, *Annal.*, ann. 1451, n. 6.

their predecessors had done in similar cases.<sup>1</sup> Fruitless as was the attempt made by Sixtus, it is not without interest as an expression of his desire to extend the papal Inquisition to a land which had hitherto successfully refused to enjoy its blessings.

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Sixtus Episcopus<sup>2</sup> servus servorum Dei dilecto filio Magistro Nicolao Franco Canonico Tervisino, nostro et apostolicæ sedis Notario et in Castellæ et Legionis Regnis Nuntio et Oratori cum potestate legati de latere, salutem et Apostolicam benedictionem. Cum sicut non sine displicencia in Castellæ et Legionis Regnis sint nonnullæ ecclesiæ, monasteria et alia loca ecclesiastica sæcularia et diversorum ordinum etiam mendicantium tam virorum quam mulierum regularia exempta et non exempta multipliciter deformata in quibus divinus cultus debite non peragitur et quorum personæ Dei timore postposita ad illicita fræna relaxant et variis se involvunt criminibus et delictis, sintque etiam quamplures tam ecclesiastici quam sæculares qui pro Christianis se gerentes intus vitam et mores Ebræorum servare et eorum dogmata sequi, et quod deterius est in illorum errores et infidelitatem prolabi non formidant ac alios ad ritus hujusmodi trahere continuo moliantur, Nos qui te impresenciarum ad pacificandum Regna prædicta et nonnulla alia peragendum nostrum et Apostolicæ Sedis nuncium et oratorem cum potestate Legati de Latere destinamus, ecclesiarum, monasteriorum et locorum ac personarum ecclesiasticarum et sæcularium quarumlibet Regnorum prædictorum statui et animarum saluti consulere cupientes ut tenemur ac sperantes quod tu in quo timor Domini sanctus permanet, tuis industria, solertia et diligentia scies, voles et poteris super hiis omnibus opportune providere: tibi contra præfatos pro Christianis se gerentes qui ritus et mores imitantur Judæorum et illorum inhærent erroribus et quoscunque alios jurisdictioni inquisitoris hæreticæ pravitatis subiectos eadem qua inquisitores et locorum ordinarii uti possunt insimul potestate, jurisdictione et auctoritate utendi et de illorum excessibus et delictis ac quibuscunque causis et criminibus hæresim sapientibus cognoscendi illosque et quoscunque alios pro qualitate excessuum quos commiserint puniendi, necnon Episcopos, Abbates, Archiepiscopos et prælatos ac alias ecclesiasticas personas ad concilia provincialia et diœcesana convocandi, Monasteria et loca quæcunque dictorum regnorum exempta et non exempta et illorum personas in capite et membris visitandi, et quæ reformatione coercione et emendacione indigere cognoveris reformandi, corrigendi et emendandi, visitatas personas easdem quas culpabiles repereris juxta suorum excessuum exigenciam caritative puniendi et dignitatibus, administracionibus ac officiis necnon beneficiis ecclesiasticis quæ obtinent

<sup>1</sup> Concilio nacional de Sevilla, 1478, cap. xvi. (Printed by Padre Fidel Fita in the *Boletín de la Real Academia de la Historia*, T. XXII. pp. 220, 227, 242).

<sup>2</sup> Archivio Vaticano. Sisto IV.: Regest. 679, T. I., fol. 52.

et quibus præsunt Monasteriorum regiminibus privandi et amovendi realiter ab eisdem ac alias eorum loco substituendi et surrogandi, uniones, exempciones et privilegia etiam apostolica auctoritate concessa et quarumcunque dispositionum ex quibus divini cultus diminutio et animarum pericula proveniunt et quæ scandalum pariunt suspendendi moderandi et illos ac omnia quæ tibi impedimentum præstarent quominus commissum tibi officium exequi valeas eciam in totum de medio tollendi, et generaliter omnia et singula quæ Dei laudem, ecclesiarum, Monasteriorum et aliorum Religiosorum locorum et beneficiorum reformationem, tranquillitatem, prosperitatem Christifidelium Regnorum prædictorum concernere putaveris exequendi, auctoritate apostolica præsentium tenore concedimus facultatem. Tu igitur zelo Dei et magno animi affectu onus hujusmodi tibi commissum suscipiens diligenter omnia agas quæ pro omnium et singulorum salute videris expedire ita ut ex tuis laboribus optati fructus proveniant, tuque exinde apud Deum et homines valeas non immerito commendari. Dat. Romæ apud Sanctum Petrum, Anno Incarnationis Dominicæ Millesimo quadringentesimo septuagesimo quinto, Kal. Augusti, Pontificatus nostri Anno Quarto.

N. DE BENZIS.